

comprising comparing a hSTRA6 nucleotide sequence in the sample to or both of SEQ D NOS: 2 and 4, classified in class 435, subclass 6.

Applicants elect, with traverse, Group I, Claims 1-4.

REMARKS

Restriction is only proper if the identified Groups are independent or patentably distinct (MPEP § 803). The burden is on the Office to provide reasons and/or examples to support its conclusion that the identified Groups are patentably distinct.

The Office has characterized Groups I-III and IX as representing separate and distinct products that are made by materially different methods and are used in materially different methods which have different modes of operation, different functions and different effects. The Office has not given examples and fails to cite any standard or section of MPEP to support its assertion that these groups are patentably distinct. The Office has simply stated a conclusion without support.

The Office has characterized the relationship of Groups IV-VIII and X as materially distinct methods that differ at least in objectives, method steps, reagents and/or dosages, and/or schedules, response variables and criteria for success. The Office has again not given examples and fails to cite any standard or section of the MPEP to support its conclusion of patentable distinctness. The Office has simply stated a conclusion without support.

The Office has characterized Group III and Group V as related as product and process of use. Citing MPEP § 806.05(h), the Office asserts that the product as claimed can be used in materially different process of using that product. However the Office has not explained its conclusion, nor has the Office explained how affinity chromatography is a materially different process from the method of Group V.

The nucleic acids, polypeptides, antibodies, agents, cells, and compositions claimed are the same that are used and are related to the claimed methods of identifying, screening, using, treating and preventing. There, Applicants submit that the claims should be examined together.

Applicants submit that the Office has not met the necessary burden in order to sustain the Restriction Requirement. Withdrawal is therefore respectfully requested.

Respectfully submitted,

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